

### **Remarks**

In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

Claims 16, 17 and 21-29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dobbs (US 5,566,237) in view of Elliot (US 7,110,558).

Claims 16, 17, 21 and 23 have been amended so as to further distinguish the present invention, as recited therein, from the references relied upon in the rejection. As a result, the rejection is submitted to be inapplicable to the amended claims for the following reasons.

Claim 16 is patentable over the combination of Dobbs and Elliot, since claim 16 recites a method of setting an audio output level including, in part, selecting one of a plurality of thresholds corresponding to a current clock time; requesting an acknowledgement that a setting of the audio output level is to be changed, if the setting of the audio output level is to be changed to a setting that exceeds the selected threshold; and allocating a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment. The combination of Dobbs and Elliot fails to disclose or suggest these features of claim 16.

As for Dobbs, it discloses a controller that is capable of being programmed to select from among a number of attached audio/video sources depending on the time of day and control the equalization profile and volume of a selected source. During the programming of the controller, a rotary encoder 16 is used by a user to set the equalization profile and the volume for the selected source. Once each of the equalization profile and the volume has been preliminarily adjusted, the controller asks the user if he wishes to accept the selected equalization profile and volume. If the user selects "YES", the new selected equalization profile and volume are set. If the user selects "NO", the controller maintains the previously selected equalization profile and volume. (See column 8, lines 8-35; column 37-61; and Figures 4a and 4b).

Based on the above discussion, it is apparent that the controller of Dobbs does request that the user acknowledge whether or not the change to the volume is to be accepted. However, this request to acknowledge occurs upon the completion of the adjustment of the volume. The request to acknowledge clearly does not occur if the setting of the volume is to be changed to a setting that exceeds a selected threshold.

Further, it is noted that Dobbs also fails to even disclose or suggest the use of a threshold or the selection of a threshold based on a current clock time. Instead, Dobbs discloses that the controller can be programmed to change the actual volume of the selected source based on the date and time, which is clearly different.

Additionally, Dobbs also fails to disclose or suggest the allocation of a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment. As a result, Elliot must disclose or suggest all of these features in order for the combination of Dobbs and Elliot to render claim 16 obvious.

Regarding Elliot, it discloses a system that is capable of automatically adjusting the volume of an audio source. In the embodiment of the system relied upon in the rejection, the average volume levels for at least one first audio signal and at least one second audio signal are determined. Then, the average volume level for the at least one second audio signal is multiplied by a volume setting value to produce an adjusted average volume level. Next, a difference between the average volume level of the at least one first audio signal and the adjusted average volume level is compared to a threshold value and the audio level is adjusted when the difference exceeds the threshold value. (See column 2, lines 4-18).

Based on the above discussion, the system of Elliot adjusts the audio level when the difference between the average volume level of the at least one first audio signal and the adjusted average volume level exceeds the threshold value. On the other hand, claim 16 recites that when the setting of the audio output level is to be changed to a setting that exceeds the selected threshold, an acknowledgement is requested that the setting of the audio output level is to be changed. Therefore, it is apparent that the use of the threshold value in Elliot does not address the deficiency in Dobbs of requesting the user to acknowledge whether or not the change to the volume is to be accepted based on a threshold because the system of Elliot automatically adjusts the volume.

Further, Elliot only discloses the use of the predetermined threshold value. Elliot provides no disclosure or suggestion that the threshold value is selected based on a current clock time. As a result, Elliot fails to address this deficiency of Dobbs.

Additionally, Elliot also fails to disclose or suggest the allocation of the function of replying to the acknowledgement to an operation button provided on at least one of a remote

control unit and a main unit for a certain period of time immediately after requesting the acknowledgment. Therefore, it is apparent that Elliot does not appropriately address any of the deficiencies of Dobbs. As a result, claim 16 is patentable over the combination of Dobbs and Elliot.

As for claim 21, it is patentable over the combination of Dobbs and Elliot for reasons similar to those set forth above in support of claim 16. That is, claim 21 recites, in part, a selecting unit operable to select one of a plurality of thresholds corresponding to a current clock time; a requesting unit operable to request an acknowledgement that a setting of an audio output level is to be changed, if the setting of the audio output level is to be changed to a setting that exceeds the selected threshold; and an allocating unit operable to allocate a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment, which features are not disclosed or suggested by the combination of references.

Claim 17 is patentable over the combination of Dobbs and Elliot, since claim 17 recites a method of setting an audio output level including, in part, selecting one of a plurality of thresholds corresponding to a currently connected audio output device; requesting an acknowledgement that a setting of the audio output level is to be changed, if the setting of the audio output level is to be changed to a setting that exceeds the selected threshold; and allocating a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment. The combination of Dobbs and Elliot fails to disclose or suggest these features of claim 17.

As discussed above, the controller of Dobbs does request that the user acknowledge whether or not the change to the volume is to be accepted. However, this request to acknowledge occurs upon the completion of the adjustment of the volume. The request to acknowledge clearly does not occur if the setting of the volume is to be changed to a setting that exceeds a selected threshold.

Further, it is noted that Dobbs also fails to even disclose or suggest the use of a threshold or the selection of a threshold based on a currently connected audio output device. Instead, Dobbs discloses that the controller can be programmed to change the actual volume of the selected source based on the date and time, which is clearly different.

Additionally, Dobbs also fails to disclose or suggest the allocation of a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment. As a result, Elliot must disclose or suggest all of these features in order for the combination of Dobbs and Elliot to render claim 17 obvious.

As discussed above, the system of Elliot adjusts the audio level when the difference between the average volume level of the at least one first audio signal and the adjusted average volume level exceeds the threshold value. On the other hand, claim 17 recites that when the setting of the audio output level is to be changed to a setting that exceeds the selected threshold, an acknowledgement is requested that the setting of the audio output level is to be changed. Therefore, it is apparent that the use of the threshold value in Elliot does not address the deficiency in Dobbs of requesting the user to acknowledge whether or not the change to the volume is to be accepted based on a threshold because of the system automatically adjusts the volume.

Further, Elliot only discloses the use of the predetermined threshold value. Elliot provides no disclosure or suggestion that the threshold value is selected based on a currently connected audio output device. As a result, Elliot fails to address this deficiency of Dobbs.

Additionally, Elliot also fails to disclose or suggest the allocation of the function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment. Therefore, it is apparent that Elliot does not appropriately address any of the deficiencies of Dobbs. As a result, claim 17 is patentable over the combination of Dobbs and Elliot.

As for claim 23, it is patentable over the combination of Dobbs and Elliot, since claim 23 recites, in part, a selecting unit operable to select one of a plurality of thresholds corresponding to a currently connected audio output device; a requesting unit operable to request an acknowledgement that a setting of an audio output level is to be changed, if the setting of the audio output level is to be changed to a setting that exceeds the selected threshold; and an allocating unit operable to allocate a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain


period of time immediately after requesting the acknowledgment, which features are not disclosed or suggested by the combination of references.

Because of the above-mentioned distinctions, it is believed clear that claims 16-18 and 21-29 are allowable over the references relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 16-18 and 21-29. Therefore, it is submitted that claims 16-18 and 21-29 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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